

United States District Court
Southern District of Texas
FILED

LAW OFFICES OF ORLY TAITZ

JUL 14 2014

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B-14-119

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US DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

BROWNSVILLE DIVISION

Dr. ORLY TAITZ, ESQ

) HON. ANDREW S. HANEN

) PRESIDING

PLAINTIFF

)

V

) DATE OF HEARING

JEH JOHNSON, IN HIS CAPACITY

) COURTROOM

OF THE SECRETARY OF DHS,

)

SYLVIA BURWELL, IN HER CAPACITY

)

OF THE SECRETARY OF HHS,

)

BARACK OBAMA, IN HIS CAPACITY

OF THE US PRESIDENT,)

U.S. Border Patrol, Rio Grande Valley Section,)

Brownsville Station

**EMERGENCY APPLICATION FOR STAY OF TRANSPORTATION OF
ILLEGAL ALIENS FROM THE SOUTHERN DISTRICT OF TEXAS TO
CALIFORNIA AND OTHER AREAS AROUND THE COUNTRY DUE TO
SERIOUS THREAT TO PUBLIC HEALTH, SPREAD OF INFECTIOUS
DISEASES, NATIONAL SECURITY THREAT, CRIME THREAT AND
ECONOMIC DAMAGES**

**APPLICATION FOR AN EMERGENCY STAY/INJUNCTION, SEEKING
EITHER AN EMERGENCY IMMEDIATE TURNAROUND AND
DEPORTATION OF ILLEGAL ALIENS OR THEIR TWO MONTHS
QUARANTINE IN AN ENCLOSED TEMPORARY OR PERMANENT
FEMA FACILITY DUE TO EPIDEMIC/OUTBREAK/ SPREAD OF
INFECTIOUS DISEASES.**

**APPLICATION FOR AN EMERGENCY STAY OF A RELEASE INTO
COMMUNITIES, INTO GENERAL PUBLIC, OF ILLEGAL ALIENS
WHO DID NOT COMPLETE TWO MONTHS QUARANTINE, WHO DID
NOT UNDERGO PROPER MEDICAL SCREENING, WHO DO NOT
HAVE A WRITTEN MEDICAL RELEASE, WHO DO NOT HAVE A
CLEAN A CRIMINAL RECORD FROM THE COUNTRY OF ORIGIN
AND WHO DO NOT HAVE A SIGNED ORDER FROM THE FEDERAL
JUDGE STATING THAT THIS ALIEN IS LEGALLY ENTITLED TO LIVE
IN THE UNITED STATES.**

FILED UNDER FRCP 65

JURISDICTION AND VENUE

U.S. District Court has Jurisdiction in this case as the defendants are sued in their official capacity as executives of Federal agencies and the premise of the legal action involves actions of Federal agencies. The subject of this case is transportation of illegal aliens with infectious diseases and criminal record, which originates in the Southern District of Texas, Brownsville area, where illegal aliens are crossing Rio Grande in violation of the U.S. border integrity and U.S. immigration laws.

Additionally, the court has jurisdiction under the diversity of state citizenships.

PARTIES

Plaintiff, Dr. Orly Taitz ESQ, resident of the California, address 29839 Santa Margarita, Ca 92688. Taitz is both a licensed attorney and a medical professional, a licensed doctor of Dental Surgery and a holder of B. of Med Science. Dr. Taitz is also a President of Defend Our Freedoms Foundation, which is dedicated to the preservation of the Constitutional Freedoms of the U.S. citizens.

Barack Obama is sued in his capacity of the US President.
Jeh Johnson is sued in his capacity as a Secretary of Homeland Security.
Sylvia Burwell is sued in her capacity as the Director of the Health and Human Services.

U.S. Border Patrol, Rio Grande Valley Section, Brownsville station is located at
940 N. FM 511, Olmito, TX 78575

STATEMENT OF FACTS

1. A group of billionaires lead by George Soros and Mark Zuckerberg have been major donors and benefactors of Barack Obama's (Herein Obama's) campaign for the U.S. President. In exchange for their de facto underwriting of Obama's campaign, large donors are seeking actions by Obama in bringing cheap and obedient labor to the U.S. in order to increase profits.

2. For six years Obama unsuccessfully attempted to push through a mega amnesty of illegal aliens.
3. Tea Party faction of the Republican Party withstood this push for legalization of millions of illegal aliens.
4. In order to repay his donors and benefactors on June 15, 2012 Obama signed a memorandum Deferred Action for Children Arrivals (DACA) to stay deportation of minor illegal aliens for two years. In 2014 DACA was renewed for two more years.
5. Obama and Director of Homeland Security Jeh Johnson (Hereinafter Johnson) knew at all times that such stay of deportations will be a magnet for more illegal aliens to cross the U.S. borders.
6. Six months ago Obama and Johnson created an elaborate plan to effectuate de facto smuggling and trafficking of hundreds of thousands of illegals and hired transportation carriers, medical services, education services, escorts and even nannies to spread all over this nation hundreds of thousands of illegals and dump them on the unsuspecting population.
7. As a direct result of the unlawful and unconstitutional actions of Obama and co-defendants, this nation indeed got flooded by hundreds of thousands of illegal aliens.

8. This flood of illegal aliens created epidemics of multiple infectious diseases, among them: Tuberculosis, Measles, Scabies, Pertussis (Whooping Cough), Lice, Swine Flu, Bacterial Pneumonia and other diseases.

9. Gang members, drug cartel members and suspected terrorist organizations members cross into the US, which endangers National Security. Defendants are transporting these illegals all over the nation and also using commercial carriers and allowing these illegals without any IDs to travel on commercial flights.

10. Plaintiff and other similarly situated individuals are at risk of being infected with contagious diseases transmitted by these illegal aliens or might have already been infected. (Exhibit 2 Declaration of Orly Taitz)

11. A number of border patrol agents have contracted scabies. (Exhibit 1 Scabies infection report by Border Patrol Health officer). There is a reported outbreak of Tuberculosis in California. Plaintiff, who is an immigrant herself and speaks multiple languages, among them Spanish, is a doctor-provider for a number of State and Federal programs, which provide medical care to indigents and immigrants. A number of her patients presented themselves in her office with a persistent cough. Dr. Taitz developed a persistent cough and on 07.09.2014 was examined by her internal medical doctor, Dr. Yolanda Gomez, and had chest X-rays done to be analyzed for Tuberculosis. Immediate evaluation of x-rays by Dr. Gomez was inconclusive and further evaluation by a radiologist is being awaited.

(Exhibit 2, Declaration of Orly Taitz and chest X-Rays record from Dr. Yolanda Gomez). Dr. Taitz and other similarly situated individuals are at risk of being infected or were already infected.

ARGUMENT

STANDING

Plaintiff is a health care provider who comes in direct contact with individuals who are affected by multiple infectious diseases, such as Tuberculosis, Scabies, Lice, Measles and so on. Absent quarantine and proper treatment, she is in imminent danger of contracting such diseases.

Additionally she claims standing as an American taxpayer.

THERE IS JUSTIFICATION FOR GRANTING A STAY

Party seeking a preliminary injunction or stay must show: 1) a likelihood of success on the merits, 2) a thread of irreparable harm, 3) which outweighs any harm to the non-moving party, 4) and that the injunction would not adversely affect the public interest (See Awad v Ziriax, 670 F.3d 1111, 1125 (10th Cir. 2012)).

Each element favors injunctive relief requested by the Plaintiff.

U.S. District courts routinely issue emergency stays as well as permanent injunctions to existing laws and policies of the federal government which affect national policies and affect the nation as a whole. As an example in LOG CABIN

REPUBLICANS, a non-profit corporation v UNITED STATES of America and Robert M. Gates, Secretary of Defense, in his official capacity Case No. CV 04-08425-VAP (Ex) 716 F.Supp.2d 884 US DC Judge, Virginia Phillips, issued an injunction staying implementation of the "don't ask, don't tell" policy, which affected all US military bases and installations. On October 12, Phillips issued a permanent worldwide injunction ordering the military to immediately "suspend and discontinue any investigation, or discharge, separation, or other proceeding, that may have been commenced" under "don't ask, don't tell".

In the case at hand Plaintiff is seeking an emergency stay/injunction in implementation by the defendants not of a law, but a mere memorandum signed by Barack Obama in 2012, which stays deportation of illegal alien minors, and seeking a two months quarantine of such illegals until the end of medically necessary quarantine period and until the documentation and criminal record of such illegal aliens is received and there is a decision by the federal court granting such illegals a legal status in the US. Such stay is sought due to the outbreak of infectious diseases brought by illegal aliens, due to border crossing of criminals, cartel and gang members and terrorists and due to taking without compensation by the defendants through their actions of the value of real property of the defendant due to infestation of the area with crime, as well as illegal taking/theft of tax payer dollars to care for the illegals instead of turning them around and deporting them.

PLAINTIFFS ARE LIKELY TO PREVAIL ON THE MERITS

Currently defendants are transferring thousands of illegal aliens from the Southern District of Texas to the Central District of California and elsewhere in the country and are simply dumping them on unsuspected communities. When individuals arrive in the U.S. legally, particularly from countries, known for outbreaks of infectious diseases, they are required to undergo health checks, chest X-rays for Tuberculosis, obtain a medical release and provide a criminal record from the country of origin. Currently, with this dumping of illegals, they cross the border without any medical checks. These illegals are undergoing a sham processing, which is done by the border patrol agents who do not have any medical training and who are under orders from the defendants to "stand down", not to deport illegal aliens, who are instructed to do only cursory medical check, to check only for crimes committed in the U.S. and not in the countries of origin and simply release the illegals, to dump them at greyhound bus stations or to individuals who might be illegals themselves and who claim that dozens of illegals from different countries are their children. Illegals are allowed to travel on commercial carriers without any IDs. Illegals are told to travel to where they want to go in the U.S. and seek an ICE office at their point of destination and told to ask for a deportation hearing there. Needless to say that over 90% of illegals never show up for these deportation hearings. Defendants are acting as de facto human traffickers and

smugglers providing shame border control. On 07.10.2014 a U.S. border patrol agent stated to FOX news host Sean Hannity:

“What is happening is that we treat OTMs (other than Mexicans) differently than aliens from Mexico or Canada. Right now what is happening is our government is pretty much releasing and giving these OTMs a free pass into our country. We are very concerned about it. We want our borders to be secure... **Actually what is happening is that the federal government is completing the smuggling cycle.** By having a parent send their child to the US border, having them smuggled, that is only part of the smuggling cycle. Then the federal government steps in. We apprehend them. We process these illegal aliens then we release them to their family members in the US. We just completed that smuggling cycle. Now, why would anybody want to hire a smuggler when the US government is actually doing it for free? <http://www.thegatewaypundit.com>

Recently former Mayor of San Diego and a syndicated talk show host Roger Hedgecock jokingly noted: "knowing Chicago politics, I hope that Obama gets a cut from the cartels for this." Roger Hedgecock show, Radio America syndication.

This behavior by the defendants has simply no basis in U.S. laws. Defendants cannot possibly ultimately prevail on the merits because they never articulated any

legal basis for their behavior. As a matter of fact their behavior is so flagrantly lawless and criminal that not only this court should grant this emergency application for STAY, but it should forward evidence provided in this case to the Federal Grand jury convened in the Southern District of Texas for criminal investigation under 18 U.S.C. 3332 which states: "**(a)** It shall be the duty of each such grand jury impaneled within any judicial district to inquire into offenses against the criminal laws of the United States alleged to have been committed within that district. Such alleged offenses may be brought to the attention of the grand jury BY THE COURT "emphasis added.

Defendants flagrantly engaged and continuously engaging in egregious violation of 8 USC §1324

(a) Criminal penalties

(1)

(A) Any person who—

(i) knowing that a person is an alien, brings to or attempts to bring to the United States in any manner whatsoever such person at a place other than a designated port of entry or place other than as designated by the Commissioner, regardless of whether such alien has received prior official authorization to come to, enter, or

reside in the United States and regardless of any future official action which may be taken with respect to such alien;

(ii) knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, transports, or moves or attempts

to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law;

(iii) knowing or in reckless disregard of the fact that an alien has come to, entered,

or remains in the United States in violation of law, conceals, harbors, or shields

from detection, or attempts to conceal, harbor, or shield from detection, such alien

in any place, including any building or any means of transportation;

(iv) encourages or induces an alien to come to, enter, or reside in the United States,

knowing or in reckless disregard of the fact that such coming to, entry, or residence

is or will be in violation of law; or

(v)

(I) engages in any conspiracy to commit any of the preceding acts, or

(II) aids or abets the commission of any of the preceding acts,

shall be punished as provided in subparagraph (B).

(B) A person who violates subparagraph (A) shall, for each alien in respect to whom such a violation occurs—

- (i)** in the case of a violation of subparagraph (A)(i) or (v)(I) or in the case of a violation of subparagraph (A)(ii), (iii), or (iv) in which the offense was done for the purpose of commercial advantage or private financial gain, be fined under title 18, imprisoned not more than 10 years, or both;
- (ii)** in the case of a violation of subparagraph (A)(ii), (iii), (iv), or (v)(II), be fined under title 18, imprisoned not more than 5 years, or both;
- (iii)** in the case of a violation of subparagraph (A)(i), (ii), (iii), (iv), or (v) during and in relation to which the person causes serious bodily injury (as defined in section 1365 of title 18) to, or places in jeopardy the life of, any person, be fined under title 18, imprisoned not more than 20 years, or both; and
- (iv)** in the case of a violation of subparagraph (A)(i), (ii), (iii), (iv), or (v) resulting in the death of any person, be punished by death or imprisoned for any term of years or for life, fined under title 18, or both.

(C) It is not a violation of clauses ^[1](ii) or (iii) of subparagraph (A), or of clause (iv) of subparagraph (A) except where a person encourages or induces an alien to come to or enter the United States, for a religious denomination having a bona fide nonprofit, religious organization in the United States, or the agents or officers of

such denomination or organization, to encourage, invite, call, allow, or enable an alien who is present in the United States to perform the vocation of a minister or missionary for the denomination or organization in the United States as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, medical assistance, and other basic living expenses, provided the minister or missionary has been a member of the denomination for at least one year.

(2) Any person who, knowing or in reckless disregard of the fact that an alien has not received prior official authorization to come to, enter, or reside in the United States, brings to or attempts to bring to the United States in any manner whatsoever, such alien, regardless of any official action which may later be taken with respect to such alien shall, for each alien in respect to whom a violation of this paragraph occurs—

(A) be fined in accordance with title 18 or imprisoned not more than one year, or both; or

(B) in the case of—

(i) an offense committed with the intent or with reason to believe that the alien unlawfully brought into the United States will commit an offense against the United States or any State punishable by imprisonment for more than 1 year,

(ii) an offense done for the purpose of commercial advantage or private financial gain, or

(iii) an offense in which the alien is not upon arrival immediately brought and presented to an appropriate immigration officer at a designated port of entry,

be fined under title 18 and shall be imprisoned, in the case of a first or second violation of subparagraph (B)(iii), not more than 10 years, in the case of a first or second violation of subparagraph (B)(i) or (B)(ii), not less than 3 nor more than 10 years, and for any other violation, not less than 5 nor more than 15 years.

(3)

(A) Any person who, during any 12-month period, knowingly hires for employment at least 10 individuals with actual knowledge that the individuals are aliens described in subparagraph (B) shall be fined under title 18 or imprisoned for not more than 5 years, or both.

(B) An alien described in this subparagraph is an alien who—

(i) is an unauthorized alien (as defined in section 1324a (h)(3) of this title), and
(ii) has been brought into the United States in violation of this subsection.

(4) In the case of a person who has brought aliens into the United States in violation of this subsection, the sentence otherwise provided for may be increased by up to 10 years if—

(A) the offense was part of an ongoing commercial organization or enterprise;

(B) aliens were transported in groups of 10 or more; and

(C)

(i) aliens were transported in a manner that endangered their lives; or

(ii) **THE ALIENS PRESENTED A LIFE-THREATENING HEALTH RISK TO PEOPLE IN THE UNITED STATES. (emphasis added)**

18 U.S. Code § 2381 - Treason

Whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason and shall suffer death, or shall be imprisoned not less than five years and fined under this title but not less than \$10,000; and shall be incapable of holding any office under the United States.

According to Whistleblowers, Border Patrol Officers officers, such as Hector Garza, defendants are clearly violating existing U.S. immigration laws and specifically 8U.S. §1324. They are aiding and abetting and orchestrating an invasion into the U.S. An allied invasion in Normandy consisted of 150,000 soldiers. This recent invasion of illegals consists of 290,000 according to reposts in NY Times and Washington Post. This is nothing short of an orchestrated invasion, perpetrated to supply cheap labor for a group of billionaires and flagrantly rob American citizens of their jobs, wages and benefits and expose them to epidemics of infectious diseases and crime.

"LAREDO, Texas--A glimpse into the reality of the thousands of illegal immigrants being released into the U.S. by the Obama Administration was captured on video in a Greyhound Bus station in Laredo, Texas this weekend. The illegal immigrants who cross as incomplete family units simply enter the U.S. illegally, turn themselves in to U.S. Border Patrol agents, are processed, and then released with a notice to appear at a future date for court proceedings. U.S. taxpayers then fund bus tickets for the illegal immigrants to go to the U.S. city of their choosing. Approximately 95 percent of the illegal immigrants never return as promised for court proceedings, according to Hector Garza, a Border Patrol agent and spokesperson for the National Border Patrol Council (NBPC) Local 2455.

"The majority of these people crossed the border illegally and were then dropped off here at the bus station so they could continue to their final destination, and that destination is an American city near you," said Garza. "This right here is border insecurity at its best. Our border is not patrolled, it's not being secured ... our federal government is releasing thousands and thousands of illegal aliens into our communities." <http://www.dailymail.co.uk/news/article-2654208/Republicans-rally-judge-ruled-Obama-administration-intentionally-fostering-flood-illegal-immigrant-children.html>

Defendants are involved in a de facto RICO to violate not only U.S. immigration laws, but also in a RICO to aid and abet in violation of 18 U.S. Code § 2381. They are colluding with criminal cartels, gangs and possibly terrorist organizations in waging the war of terror and a de facto biological weapon attack on the U.S.

They are transporting known members of criminal organizations involved in torture, murder, kidnappings, drug trade and possibly Muslim terrorists.

Further, actions by the defendants in imposing gag orders on employees of detention camps, preventing health care providers from releasing information in relation to outbreaks and epidemics of deadly infectious diseases is akin to bio terrorism on part of the defendants.

"JW has reported extensively on the crisis created by the sudden influx of mostly Central American minors that have crossed into the U.S. through the Mexican border in recent weeks. It has created havoc and will end up costing American taxpayers billions of dollars to house, process, medically treat, feed and inevitably educate the Unaccompanied Alien Children (UAC) which are being dispersed throughout the country. They are bringing in dangerous diseases—including swine flu, dengue fever, Ebola virus and tuberculosis—and occupying our military bases as shelters.

As if all this weren't bad enough, the invasion is also supplying the nation's most dangerous street gangs with new soldiers. The Mara Salvatrucha (MS-13) and the 18th Street gangs are on a recruiting frenzy at the various facilities housing the newly arrived illegal aliens, according to JW's source. The MS-13 is a feared street gang of mostly Central American illegal immigrants that's spread throughout the U.S. and is renowned for drug distribution, murder, rape, robbery, home invasions, kidnappings, vandalism and other violent crimes. The Justice Department's National Gang Intelligence Center (NGIC) says criminal street gangs like the MS-13 are responsible for the majority of violent crimes in the U.S. and are the primary distributors of most illicit drugs.

In May 2014, MS-13 enforcers flew to Minnesota to kidnap and torture two local teens." "MS-13 is actively recruiting illegal alien minors at Obama immigrant

shelters.

Judicial Watch reported: The nation's most violent street gangs—including Mara Salvatrucha—are actively recruiting new members at U.S. shelters housing illegal immigrant minors and they're using Red Cross phones to communicate, a Homeland Security source tells Judicial Watch."

<http://www.thegatewaypundit.com>

These actions by the defendants created a significant risk to the public at large.

Department of Health and Human services under the management of Sylvia Burwell and under the directives of Barack Obama, instead of protecting the public from diseases, is actually spreading diseases all over the country and endangering public health. Department of Homeland Security under Jeh Johnson and under the directive of Obama administration, instead of protecting the public, is acting as a human trafficker and endangering the public and exposing the public to crime, gangs and possible terrorists.

Success on the merits is enhanced by a recent opinion by this court, by the US District Judge Andrew Hanon in the Southern District of TX in *U.S. v Mirtha Veronica Nava-Martinez* B-13-441-1 TXSD. In this case the defendant was convicted in human trafficking. The facts of the case revealed that another illegal alien, Patricia Elixabeth Salmeron Santos paid a human trafficker Nava-Martinez \$8,500 for trafficking of her child into the US. Prior to the case against the

trafficker being filed with Judge Hanon, the DHS under defendant herein Jeh Johnson have completed the crime of human trafficking by transporting minor illegal alien to her mother, an illegal alien residing in Virginia. Judge Hanon ruled that actions by the Obama administration, by the Department of Homeland Security are illegal, violate US immigration laws 8USC §1324 (a)(1)(A)(ii) and represent a de -facto criminal human trafficking.

" This Court is quite concerned with the apparent policy of the Department of Homeland Security (hereinafter "DHS") of completing the criminal mission of individuals who are violating the border security of the United States. " *id* "The DHS, instead of enforcing our border security laws, actually assisted the criminal conspiracy in achieving its illegal goals...It completes the mission of the conspiracy" *id*

The recent Fourth of July demonstrations against dumping of illegals showed the U.S. citizens vehemently opposed to this criminal conspiracy by the defendants and carrying signs: "Obama and Jeh Johnson are Human traffickers and smugglers of illegals." "U.S. Senate is the Best Coyote Money can Buy". This is clearly so. The Obama regime is using this excuse of need for processing of illegals in order to transport illegals all over the country and do the job of human traffickers. Clearly such endangerment of the public cannot stand and ultimately

will be enjoined by the court. Plaintiffs are seeking an emergency stay in order to stop spread of dangerous infectious diseases, crime and terrorism until there is a final adjudication on the merits.

STAY IS A NECESSITY DUE TO SCABIES EPIDEMIC

Human trafficking which is being undertaken by the U.S. President in conjunction with the Secretary of Homeland Security and Health and human services exposes this nation to multiple dangerous infectious diseases and represents a Danger to Public Health.

On July 4, 2014 Ronald Zemeno, Health and Safety Director, National Border Patrol Council, Local 1613, reported Scabies infection and contamination by a Border Patrol Officer in the state of California, which happened after him coming in contact with illegals, who are being dumped in the State of California by the Obama regime. (Exhibit 1). Other reports show that this officer transferred Scabies to another officer working with him and that there is an epidemic of Scabies in the camps where illegals are being processed.

Zemeno report states: "When a person is infested with scabies mites the first time, symptoms may not appear for up to two months". Since there is an epidemic of Scabies in the population of illegals crossing the border, there has to be a TWO MONTHS quarantine. During this, two months quarantine period, the Obama administration will have plenty of time for a turnaround of the illegals by

the border patrol or in rare cases, where illegals, crossing Mexican border, have proven to be citizens of other countries, not Mexico, and have proven to be unaccompanied minors with parents legally residing in the US, such minors can have a deportation hearing instead of turnaround within these two months of quarantine.

Such two months mandatory quarantine will protect the public at large from spread of infectious diseases.

TUBERCULOSIS EPIDEMIC JUSTIFIES AN EMERGENCY STAY

A recent article, <http://www.foxnews.com/opinion/2014/07/07/immigration-crisis-tuberculosis-spreading-at-camps/>, Exhibit 3, reveals a spread and epidemic of a deadly disease of Tuberculosis with illegals in the camps coughing up blood, constant cough and chest pain.

"...at least a half dozen anonymous sources, including nurses and health care providers who worked at Lackland, allege that the government is covering up what they believe to be a very serious health threat.

Several of my sources tell me that tuberculosis has become a dangerous issue at both the border and the camps.

"The amount of tuberculosis is astonishing," one health care provider told me.

"The nurses are telling us the kids are really sick. The tuberculosis is definitely there."

"However, nurses at Lackland in San Antonio, said they know of at least four teenagers in their camp who have tuberculosis.

"The nurses are telling us the kids are really sick," the source told me. "The tuberculosis is definitely there."

My source said there are children showing classic tuberculosis symptoms -- spitting up blood, a constant cough and chest pain."

Taitz, Plaintiff herein, is a doctor, who speaks several languages and is a doctor-provider with a number of government programs, where a care is provided to indigents and illegals. Several of her patients presented themselves with a persistent cough. Dr. Taitz developed a persistent cough and on 07.09. 2014 was seen by her family and internal medicine doctor, Dr. Yolanda Gomez, who did a number of chest x-rays to check for Tuberculosis. Dr. Taitz and other members of

the community are at a grave risk of contracting Tuberculosis or might have already been infected.

LICE INFESTATION MAKES STAY A NECESSITY

Todd Starnes told Sean Hannity on FOX News tonight that the illegal immigrant children held at Lackland Air Force base in Oklahoma are bringing diseases into America. The children have tuberculosis, scabies and lice so bad you can see them running down their faces.

“It’s one giant emergency room. They tell me tuberculosis has become a very dangerous issue there. **Nurses say the number of children representing symptoms of tuberculosis is ‘simply staggering.’ Spitting up blood, chest pains, constant coughing.** There are at least three confirmed cases for the illegals in Austin, Texas... The federal government is covering up the threat of the health crisis. They say the kids have scabies. They also say they have chicken pox. **And lice so severe they can be seen crawling down the faces of the children.**“

<http://www.thegatewaypundit.com/2014/07/todd-starnes-illegal-immigrant-children-have-lice-so-severe-they-can-be-seen-crawling-down-their-faces-video/>

Lice infestation in addition to Tuberculosis, Scabies, Chicken Pox, Measles, Whooping cough, Swine Flu and other infectious diseases demands either a turnaround of the illegals, or, in rare cases where illegals can evade immediate turnaround, they have to be in at least two months quarantine at the border in a

FEMA mobile facility until they are deported. There should not be transportation and dumping of these individuals in the communities without two months quarantine, testing for infectious diseases, treatment and a decision by the judge that they can legally reside in the U.S.

This situation is exacerbated by the fact that this dumping of sick illegals is done by the Department of Health and Human services, which is led by a woman who has ZERO medical education. In April of this year, after resignation of Kathleen Sebelius, Barack Obama appointed Sylvia Burwell, who was confirmed by the US Congress last month.

Burwell has a bachelor's degree in government and another bachelors degree in philosophy, politics and economics, zero education in medicine. So, this spread of infectious diseases by the Department of Health and Human Services might be due to a total incompetence of Sylvia Burwell or it might be a political maneuver, since Obama issued executive orders deferring deportation of minor illegals, many of these illegals are hoping for amnesty and path for citizenship, which is a boon for career Democratic party operatives, such as defendants Obama, Johnson and Burwell, as typically illegals are voting for Democrats with a 2:1 margin.

Regardless, whether the defendants are acting due to incompetence or with malice, their actions represent a Public Health threat, which make an emergency STAY a must in order to stop epidemics of infectious and deadly diseases.

Tuberculosis is particularly dangerous as if effective treatment is not given, the death rate is 66% according to Tuberculosis Fact sheet N°104", World Health Organization. November 2010 Retrieved 26 July 2011.

Moreover, many strains of Tuberculosis are drug resistant, which complicates the treatment and lowers the rate of success. Recently, a Tuberculosis epidemic was recorded in California. "A California high school is at the center of a tuberculosis outbreak linked to an infectious student who tested positive for active TB in February, county health officials said Wednesday.

Four more students at Grant Union High School in Sacramento have contracted active TB. Three related tuberculosis cases are considered an outbreak, Sacramento County Department of Health and Human Services spokeswoman Laura McCasland said". <http://www.sacbee.com/2014/07/02/6528896/tuberculosis-outbreak-at-sacramento.html>

Plaintiff Taitz attached a declaration stating that she was present at the meeting with Murrieta and Riverside county, CA officials on July 2, 2014.

Dr. Cameron Keiser, Health Officer with the Department of Public health of Riverside county, announced at the meeting, which was attended by some 300 people and media, that when individuals are coming to the U.S. legally, they have to submit a medical release, which includes radiographs, showing lack of tuberculosis, as well as other blood, sputum and urine tests, however when individuals come to the U.S. illegally and dumped all over the country, such routine testing is not done.

ILLEGAL ALIEN MINORS SPREADING TB, EBOLA, DENGUE, SWINE FLU

"The hordes of illegal immigrant minors entering the U.S. are bringing serious diseases—including swine flu, dengue fever, Ebola virus and tuberculosis—that present a danger to the American public as well as the Border Patrol agents forced to care for the kids, according to a U.S. Congressman who is also medical doctor. "

"This has created a "severe and dangerous" crisis, says the Georgia lawmaker, Phil Gingrey. Most of the Unaccompanied Alien Children (UAC) are coming from Central America and they're importing infectious diseases considered to be largely eradicated in this country. Additionally, many of the migrants lack basic vaccinations such as those to prevent chicken pox or measles, leaving America's young children and the elderly particularly susceptible, Gingrey reveals. In a hard-

hitting letter to the director of the Centers for Disease Control and Prevention (CDC), Congressman Gingrey demands that the agency keep Americans informed about its plan to handle the growing public health crisis posed by the influx of minors. "As the unaccompanied children continue to be transported to shelters around the country on commercial airlines and other forms of transportation, I have serious concerns that the diseases carried by these children may begin to spread too rapidly to control," the congressman writes. "In fact, as you undoubtedly know, some of these diseases have no known cure."

"<http://www.judicialwatch.org/blog/2014/07/illegal-alien-minors-spreading-tb-ebola-dengue-swine-flu/>

Gingrey mentions reports of Border Patrol agents contracting diseases through contact with the infected illegal aliens.

DUMPING OF ILLEGALS REPRESENTS A THREAT TO PUBLIC SAFETY AND NATIONAL SECURITY

It was reported that this dump of illegals includes individuals who are gang members from Mexico and Central America, as well as individuals, who are either members of terrorist organizations or come from countries sponsoring terror. "An

internal summary of Border Patrol operations at the U.S. Customs and Border Protection Nogales (Arizona) Placement Center stated that 16 unaccompanied immigrant children being held at the facility are members of Mara Salvatrucha (MS-13) transnational criminal gang.

The summary, which was obtained by the Townhall online magazine, noted that Border Patrol officials at Nogales were alerted to the MS-13 presence among the detainees when they discovered gang-related graffiti in the walls of the processing center. It stated:

Border Patrol Agents (BPAs) and Customs and Border Protection Officers (CBPOs), assigned to The Nogales Placement Center (NPC), discovered that 16 unaccompanied alien children (13 El Salvadoran males, two Guatemalan males and one Honduran male) currently being held at the NPC are members of Mara Salvatrucha (MS-13). The MS-13 gang members admitted to their gang associations following a discovery of graffiti at the NPC. Homeland Security Investigations (HSI), ICE Enforcement and Removal Operations (ERO), and the Office of Refugee Resettlement (ORR) were notified."

<http://www.infowars.com/illegal-immigrant-children-include-ms-13-gang-members/>

Farmers in border areas found Qurans and prayer rugs left by illegals, which shows that illegals are not coming only from Mexico and Central America, but also from

Muslim countries, many of which sponsor terrorism and announced Jihad/Fatwa
against the U.S.

**DUMPING OF ILLEGALS REPRESENTS THEFT OF JOBS, WAGES,
BENEFITS, COMMUNITY RESOURCES AND TAXPAYER DOLLARS
FROM THE PLAINTIFFS AND SIMILARLY SITUATED INDIVIDUALS,
A WELL AS CITIES, COUNTIES AND STATES.**

Illegals, who crossed the border and are being dumped by Obama regime on unsuspecting communities, are dead poor and need significant expenditure of monies to provide for their food, housing, healthcare, education and other expenses. Former Governor of Alaska Sarah Palin described it best: "Enough is enough of the years of abuse from this president. His unsecured border crisis is the last straw that makes the battered wife say, "no mas."

Without borders, there is no nation. Obama knows this. Opening our borders to a flood of illegal immigrants is deliberate. This is his fundamental transformation of America. It's the only promise he has kept. Discrediting the price paid for America's exceptionalism over our history, he's given false hope and taxpayer's change to millions of foreign nationals who want to sneak into our country illegally. Because of Obama's purposeful dereliction of duty, an untold number of illegal immigrants will kick off their shoes and come on in, competing against Americans for our jobs and limited public services. There is no end in sight as our

president prioritizes parties over doing the job he was hired by voters to do. Securing our borders is obviously fundamental here; it goes without saying that it is *his job*.

The federal government is trillions of dollars in debt, many cities are on the verge of insolvency, our overrun healthcare system, police forces, social services, schools, and our unsustainably generous welfare-state programs are stretched to the max. We average Americans know that. So why has this issue been allowed to be turned upside down with our “leader” creating such unsafe conditions while at the same time obstructing any economic recovery by creating more dependents than he allows producers? His friendly wealthy bipartisan elite, who want cheap foreign labor and can afford for themselves the best “border security” money can buy in their own exclusive communities, do not care that Obama tapped us out.

Have faith that average American workers – native-born and wonderful legal immigrants of all races, backgrounds, and political parties – *do care* because we’re the ones getting screwed as we’re forced to follow all our government’s rules while others are not required to do so. Many now feel like strangers in their own land. It’s the American worker who is forced to deal with Obama’s latest crisis with our hard-earned tax dollars while middle class wages decrease, sustainable jobs get more scarce, and communities become unrecognizable and bankrupted due to Obama’s flood of illegal immigration.” Governor Sarah Palin

<http://www.breitbart.com/Big-Government/2014/07/08/Exclusive-Sarah-Palin-Time-to-Impeach-President-Obama>.

**PLAINTIFFS WILL SUFFER UNDUE HARDSHIP AND IRREPARABLE
HARM IF STAY IS NOT GRANTED**

Plaintiff incorporates all prior paragraphs as if fully pled herein.

As stated above, plaintiff and similarly situated individuals suffer an undue hardship and will suffer irreparable harm of being exposed to and contracting dangerous and deadly infectious diseases, if emergency stay is not granted.

Further, the plaintiff is affected by the increased crime, drug trafficking and an increased risk of terrorism. As stated above, gang members, cartel members and possible terrorists are crossing the U.S. border illegally and transported to California and elsewhere. Recently Border Patrol Federal Whistleblower Hector Garza, reported that illegal aliens are allowed to travel in the U.S. without any valid IDs. “MCALLEN, Texas—Illegal aliens are being allowed to fly on commercial airliners without valid identification, according to the National Border Patrol Council (NBPC). “The aliens who are getting released on their own recognizance are being allowed to board and travel commercial airliners by simply showing their Notice to Appear forms,” NBPC’s Local 2455 Spokesman, Hector Garza, told Breitbart Texas.

“This is not the CBP [Customs and Border Protection] or another federal agency renting or leasing an aircraft, these are the same planes that the American public uses for domestic travel,” said Garza. “This just adds insult to injury. Not only are we releasing unknown illegal aliens onto American streets, but we are allowing them to travel commercially using paperwork that could easily be reproduced or manipulated on any home computer. The Notice to Appear form has no photo, anyone can make one and manipulate one. They do not have any security features, no watermark, nothing. They are simply printed on standard copy paper based on the information the illegal alien says is the truth.”

Spokesman Garza continued, “We do not know who these people are, we often have to solely rely on who they say they are, where they say they came from, and the history they say they have. We know nothing about most of them, ICE releases them into the American public, and now they are boarding aircraft at will with a simple paper document that anyone can easily alter or reproduce themselves.”

<http://www.breitbart.com/Breitbart-Texas/2014/07/11/Exclusive-TSA-Allowing-Illegals-to-Fly-Without-Verifiable-ID-Says-Border-Patrol-Union>

As such, irreparable harm will stem not only from infectious diseases, but also from an imminent terrorist act.

Furthermore, plaintiff and similarly situated individuals are affected as value of their real estate is going down due the influx in the neighborhoods of illegal aliens,

diseases and crime, as well as depletion of tax payer resources of municipalities and counties. Such actions by the defendants represent a flagrant violation of Plaintiff's 5th and 14 th Amendment Due process rights and represent taking without compensation.

Moreover, Plaintiff and similarly situated individuals are losing quality healthcare when the hospitals are flooded with thousands of indigent illegals, plaintiff is losing quality education for her family members, as schools are flooded by the illegals. Obama administration announced that dumping of illegals in California will continue indefinitely and he actually expects a surge.

**STAY IS A NECESSITY, AS MONETARY COMPENSATION WILL NOT
ALLEVIATE IRREPARABLE HARM**

As explained above, Plaintiff, as well as similarly situated individuals, are exposed to serious contagious and potentially deadly diseases. Payment of damages cannot compensate and/or deter possible infection with deadly diseases.

**PLAINTIFF WILL IRREPARABLE HARM IF STAY IS NOT GRANTED
AND HARDSHIP ON THE PLAINTIFF AND THE COMMUNITY
OUTWEIGHS THE HARDSHIP ON THE DEFENDANTS**

Plaintiff incorporates all prior paragraphs as if fully pled herein.

Plaintiff, who is a medical provider and a tax payer, will suffer irreparable ongoing harm of exposure to dangerous infectious diseases and crime, as well as taking without compensation of value of her residence, as well as illegal taking, a de facto theft, of her tax payer dollars by a de facto RICO enterprise of the defendants, illegal aliens, human traffickers, gang members and "coyotes" engages in trafficking of illegal aliens.

On the other hand, illegal aliens and the defendants, who are de facto human traffickers, cannot show any hardship. Barack Obama has repeatedly stated to the public that most of the illegals will be deported. As they are in this country illegally, they have no right to reside in the US and in the communities, where they arrive. As they do not have any vested right, they cannot be harmed by the injunction. Recent interview by Senator Tom Coburn revealed that if these illegals were to be given the most expensive first class tickets to travel to their countries of origin, the total cost for the U.S. government to fly them to the countries of origin is 8 million dollars and it is 99.5% lower than 3.7 billion cost of continuing the current policy of the defendants in transporting illegals to different areas of the US and taxpayers paying for all this transportation North and for other expenses of the illegals in the U.S. "Oklahoma U.S. Sen. Tom Coburn says he has a much better solution to fix the problem presented by tens of thousands of illegal Central American immigrants that have been apprehended at the southern U.S. border.

“Look, for \$8 million you could put them all on a first-class seat back to their homes,” Coburn said on CNN’s “Crossfire” on Tuesday.

Coburn was answering a line of questioning concerning the Obama administration’s announcement on Tuesday that it would be asking Congress for \$3.7 billion to help deal with the 52,000 unaccompanied children and 39,000 mothers with children who have been apprehended since Oct. 1.

The influx has drained resources from border protection and immigration agencies, as well as the Department of Health and Human Services.

The administration’s plan to increase spending is “the wrong approach,” Coburn said.

He rebutted a claim made by many Democrats and administration officials that the immigrants are flocking here — mostly from Honduras, El Salvador, and Guatemala — to flee rampant violence in those countries.

“This isn’t about violence. Some of it is,” Coburn said, while pointing out that violence has not changed significantly in two of the three countries, and has actually fallen in one.

Rather, the administration’s immigration policies are leading them to believe they can stay in the U.S.

“What changed was the expectation that you could come here, and you wouldn’t be sent home,” Coburn said.

The Obama administration has adopted a policy of deporting only violent criminals. It has also enacted a program called Deferred Action for Childhood Arrivals, or DACA, which provides amnesty to people who arrived to the U.S. as children.” <http://dailycaller.com/2014/07/09/senator-offers-cheaper-solution-to-fix-border-surge/#ixzz375W814z6>

Additionally, illegals are being sent to live in foster homes, whereby the plaintiff and other taxpayers are paying for it.

"Exclusive: Ad Promises \$6,000 a Month Tax Free To House Immigrant Children

By: Ben Swann Jul 10, 2014 8

Murreita, CA- An ad in the local Penny Saver in Murreita, California caught the attention of residents today. The ad, which was put up by the Crittenton Services and Foster Family Agency or (FFA) claims to be looking for families who will help provide homes for foster children as well as for “unaccompanied refugee minors”.

Benswann.com called Crittenton FFA, which is located in Orange County and provides services for Los Angeles County Department of Children and Family Services, and found that for those willing to take in a child under the age of 16, you can receive up to \$854.00 tax free per month. For those taking in a child over 16, the total is \$1,008.00 per month in reimbursement. If you have a 5 bedroom house and can take in as many as 6 children, you can receive reimbursement of up to \$6,054.00 per month tax free.

We questioned the person on the line about the requirements for those who would sign up. Any applicant must pass a criminal background check and take 4 classes, the next of which will be two days from now. As for who is paying for all of this? We were told that for normal foster services, the reimbursement is provided by a series of state and local grants but in the case of the "unaccompanied refugee minors", 100% of the reimbursement will come from the federal government. According to the ad, if all goes well, families will be able to begin housing children for that tax free money within 45 days."

<http://www.alipac.us/shocking-ad-promises-6-000-month-tax-free-us-taxpayer-money-house-illegal-immigrant-kids-3162/>

Further, if for any reason, a small number of these illegals has an exigent circumstance, where they can evade immediate turnaround and deportation, there are alternatives to current policies, alternatives which would not endanger the public at large with infectious diseases and subject the public at large to crime, gangs, drug smugglers and terrorists.

U.S. taxpayers have already spent billions of dollars for FEMA camps and FEMA transportable (temporary) modules. These illegals can be transported either to an emergency FEMA camp, to be erected at the border, or to existing FEMA camps. Those camps are equipped with medical clinics, sleeping quarters, professional medical staff and law enforcement staff. A small number of illegals which are not deported immediately, should be quarantined in FEMA camps for two months until they are either deported or until there is a release signed by a U.S. licensed medical doctor stating that they do not carry any infectious diseases, and there is an order by a magistrate or a judge stating that they can legally reside in the U.S.

STAY AND/OR INJUNCTION FURTHERS PUBLIC POLICY

**As fully plead above, abatement of epidemics of infectious diseases and crime
abatement clearly benefits the public and further public good.**

CONCLUSION/PRAYER FOR RELIEF

1. Due to the fact that Deferred Action for Children arrivals (DACA) June 15, 2012 memorandum signed by Barack Obama, as well as 2014 extension of DACA have become a magnet and a reason for illegal invasion, as well as a reason for a large scale of a humanitarian crisis, this court should STAY implementation of DACA until there is a full review of its' constitutionality and applicability.

2. Due to documented epidemic of Scabies, Lice, Tuberculosis and other infectious diseases this court should issue and EMERGENCY STAY of dumping, and/or transportation and/or release of illegal immigrants by Obama administration, by Department of Homeland Security and by the Department of Health and Human Services into any communities until such illegals went through two months incubation/ quarantine period, had proper X-rays, sputum, blood, stool, urine tests and obtained a written release from the U.S. licensed medical doctor that aforementioned illegal aliens do not carry infectious diseases and will not endanger the public at large and public health.

3. Due to evidence of gangs, drug traffickers and terrorists crossing the U.S.-Mexican border with the flow of the illegals, illegal aliens crossing the U.S. border have to be either turned around and deported immediately or kept at a border patrol or FEMA facility not only for two months

**quarantine and medical release, but also until and unless there is a
criminal record from the country of origin showing that such individuals
do not have a criminal record in the country of origin, do not belong to
criminal gangs and/or terrorist organizations.**

Signed



Dr. Orly Taitz, ESQ

07.10.2014